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### NOTICE OF ALLOWANCE AND FEE(S) DUE

25271 7590 09/12/2008

GALLAGHER & LATHROP, A PROFESSIONAL CORPORATION

601 CALIFORNIA ST SUITE 1111

SAN FRANCISCO, CA 94108

EXAMINER
DENG, ANNA CHEN

ART UNIT PAPER NUMBER

2191 DATE MAILED: 09/12/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538.764	06/10/2005	Kenii Sato	WIP011	5565

TITLE OF INVENTION: SOFTWARE EXECUTION CONTROL SYSTEM AND SOFTWARE EXECUTION CONTROL PROGRAM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/12/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT, PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 1SI. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

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B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FFE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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APPLICATION NO.	FILING DATE			FIRST NAMED INVENTOR			ATTORNEY DOCKET NO.		CONFIRMATION NO.
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nonprovisional	NO		\$1440	\$300		\$0		\$1740	12/12/2008
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DENG, AN			2191	717-174000					
☐ "Fee Address" ind PTO/SB/47; Rev 03-0 Number is required.  3. ASSIGNEE NAME A PLEASE NOTE: Uni recordation as set forti (A) NAME OF ASSIG	ess an assignee is ident h in 37 CFR 3.11. Comp GNEE	" Indica ed. Use A TO B ified be bletion	ation form e of a Customer E PRINTED ON 1 clow, no assignee of this form is NO	or agents OR, after (2) the name of a registered autorney 2 registered patter listed, no name wi THE PATENT (print of data will appear on t a substitute for filin (B) RESIDENCE: (C)	rnativ single or a attor II be or typ he pa g an	e firm (having as a gent) and the nam- neys or agents. If i printed.  e)  ttent. If an assign- assignment.  and STATE OR C	memb es of up no nam ee is id	entified below, the do	cument has been filed for
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25271 75	590 09/12/2008	EXAMINER			
GALLAGHER &	LATHROP, A PRO	DENG, ANNA CHEN			
601 CALIFORNIA	A ST		ART UNIT	PAPER NUMBER	
SUITE 1111 SAN FRANCISCO	O, CA 94108	2191 DATE MAILED: 09/12/200	8		

# Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 520 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 520 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

## Application No. Applicant(s) 10/538,764 SATO, KENJI Notice of Allowability Examiner Art Unit ANNA DENG 2191 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. This communication is responsive to 6/2/2008. The allowed claim(s) is/are 37-41,45-50,54-59,63-68 and 72. 3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) $\square$ All b) ☐ Some\* c) ☐ None of the: 1. T Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). \* Certified copies not received: \_\_\_\_\_. Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

# Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO/SB/08),
  - Paper No./Mail Date
- 4. T Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5. Notice of Informal Patent Application
- Interview Summary (PTO-413), Paper No./Mail Date
- 7. X Examiner's Amendment/Comment
- 8. X Examiner's Statement of Reasons for Allowance
- 9. ☐ Other .

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### DETAILED ACTION

- This action is in response to amendment filed on 6/2/2008.
- 2. The objection to Specification is withdrawn in view of applicant's amendment.
- The rejection under 35 U.S.C. 101 to claims 1-36 is withdrawn in view of applicant's amendment.
- The rejection under 35 U.S.C. 112, second paragraph to claims 1-36 is withdrawn in view of applicant's amendment.
- The rejection under 35 U.S.C. 102 (b) as being anticipated by Chang et al. USPN 5,724,425 to claims 1, 15, 21-24, and 31-32 is withdrawn in view of applicant's amendment.
- The rejection under 35 U.S.C. 103 (a) as being unpatentable over Chang et al., USPN 5,724,425 in view of O'Neill, USPN 6,832,373 to claims 2-14, 16-20, 25-30, and 33-36 is withdrawn in view of applicant's amendment.
- The Abstract has been amended (see Examiner's Amendment below).
- Claims 37, 45-46, 54-55, 63-64, and 72 have been amended (see Examiner's Amendment below).
- Claims 42-44, 51-53, 60-62, and 69-71 have been canceled (see Examiner's Amendment below).
- 10. Claims 37-41, 45-50, 54-59, 63-68, and 72 are pending.
- 11. Claims 37-41, 45-50, 54-59, 63-68, and 72 are allowed.

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### EXAMINER'S AMENDMENT

12. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Lathrop (Reg. No. 34,655) on 8/20/2008 to place the application in condition for allowance.

The application has been amended as below:

### Specification:

Replace the Abstract as following:

### **ABSTRACT**

It is possible to prevent unauthorized use of software such as a game program in download type software distribution for using a program and data by storing them in a user computer in advance. A user downloads a game program of new version (including an accompanying data group) and an execution program from a distribution computer. The execution control program performs authentication by online with an authentication computer and acquires start information required for starting the game program. The execution control program decodes the game program according to the start information and starts it. When the user terminates the game by terminating the game program, the

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execution control program deletes all or a part of the game program so as to incapacitate it.

### In the Claims:

Claims 42-44, 51-53, 60-62, and 69-71 have been canceled.

Claims 37, 45-46, 54-55, 63-64, and 72 have amended as following:

37. (currently amended) A method for installing <u>software</u>, <u>verifying installation of</u> <u>software</u> and executing software in a computer, wherein the method comprises:

receiving encoded software and an execution control program;

executing the execution control program, wherein execution of the execution control program performs steps comprising:

executing the execution control program to provide sending-user data that identifies the computer or a user of the computer to a verification server,

the verification server comparing the user data to information stored in a database to verify the user data and, if the user data is verified, providing decoding information and starting information to the computer, wherein the decoding information allows encoded software to be decoded and installed in the computer, and the starting information allows the installed decoded software to execute in the computer;

receiving from the verification server decoding information and starting information in response to the verification server verifying the user data; and Art Unit: 2191

executing the execution control program to decode deceding the encoded software in response to the decoding information to obtain decoded software and installing the decoded software:

starting execution of the installed decoded software using the starting information, wherein the installed decoded software will not execute without the starting information;

sending-providing the user data or session data that identifies the computer or the user of the computer to the verification server one or more times during the execution of the installed decoded software; and

Deleted:

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the verification server comparing the user data or the session data to information stored in the database to verify the user data or the session data during the execution of the installed decoded software, and

ending the execution of the installed decoded software in response to the verification server failing to verify the user data or the session data during the execution installed software.

45. (currently amended) The method of claim 44 claim 37 that comprises:

determining a reporting period according to a load condition of a verification server; and

instructing the computer to send the user data or the session data to the verification server in each reporting period during the execution of the installed decoded software.

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46. (currently amended) A storage medium recording a program of instructions that is executable by a machine to perform a method for installing <u>software</u>, <u>verifying</u> <u>installation of software</u> and executing software in a computer, wherein the method comprises:

receiving encoded software and an execution control program; executing the execution control-program, wherein execution of the execution control-program performs steps comprising:

executing the execution control program to provide sending-user data that identifies the computer or a user of the computer to a verification server,

the verification server comparing the user data to information stored in a database to verify the user data and, if the user data is verified, providing decoding information and starting information to the computer, wherein the decoding information allows encoded software to be decoded and installed in the computer, and the starting information allows the installed decoded software to execute in the computer;

receiving from the verification-server decoding information and starting information in response to the verification-server verifying the user data; and 
executing the execution control program to decode decoding the encoded software in response to the decoding information to obtain decoded software and installing the decoded software; and

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starting execution of the installed decoded software using the starting information, wherein the installed decoded software will not execute without the starting information.

sending-providing the user data or session data that identifies the computer or the user of the computer to the verification server one or more times during the execution of the installed decoded software; and

the verification server comparing the user data or the session data to information stored in the database to verify the user data or the session data during the execution of the installed decoded software; and

ending the execution of the installed decoded software in response to the verification server failing to verify the user data or the session data during the execution installed software.

54. (currently amended) The method-of-claim-53 that medium of claim 46, wherein the method comprises:

determining a reporting period according to a load condition of a verification server; and

instructing the computer to send the user data or the session data to the verification server in each reporting period during the execution of the installed decoded software. Application/Control Number: 10/538,764 Page 8

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55. (currently amended) A computer system comprising a first computer and a second computer for installing software, verifying installation of software and executing software in the first computer, wherein the first computer comprises:

a first calculation processing unit;

first memory:

first input-output circuits;

one or more first storage devices; and

first circuitry that couples the first calculation processing unit, the first memory, the first input-output circuits and the one or more first storage devices; wherein the one or more first storage devices record encoded software and an execution control program, the first memory records programs including at least a

execution control program, the first memory records programs including at least a portion of the execution control program for execution by the first calculation processing unit to:

send user data through the first input-output circuits that identifies the first computer or a user of the first computer to a-the second computer,

receive through the first input-output circuits decoding information and starting information from the second computer;

decode the encoded software in response to the decoding information to obtain decoded software and install the decoded software:

start execution of the installed decoded software using the starting information, wherein the installed decoded software will not execute without the starting information: Art Unit: 2191

send the user data or session data that identifies the first computer or the user of the first computer through the first input-output circuits to the second computer one or more times during the execution of the installed decoded software; and

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end the execution of the installed decoded software in response to the second computer failing to verify the execution of the installed decoded software; wherein the second computer comprises:

a second calculation processing unit;

second memory;

second external input-output circuits;

one or more second storage devices storing a database; and second circuitry that couples the second calculation processing unit, the second memory, the second external input-output circuits and the one or more second storage devices; and

wherein the second memory records programs for execution by the second calculation processing unit to:

receive user data through the second external input-output circuits that identifies the first computer or a user of the first computer.

compare the user data to information stored in the database to verify the user data;

if the user data is verified, send decoding information and starting information to the first computer through the second external input-out circuits,

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wherein the decoding information allows encoded software to be decoded and installed in the first computer, and the starting information allows the installed decoded software to execute in the first computer:

receive the user data or session data from the first computer one or more times through the external input-output circuits during the execution of the installed decoded software;

compare the user data or the session data to information stored in the database to verify the user data or the session data during the execution of the installed decoded software; and

prohibit the first computer from continuing the execution of the installed decoded software if verifying the user data or the session data fails.

63. (currently amended)—The method of claim 62 that comprises: The computer system of claim 55, wherein the second memory records programs for execution by the second calculation processing unit to:

determining determine a reporting period according to a load condition of the second computer; and

instructing-instruct the first computer to send the user data or the session data in each reporting period during the execution of the installed decoded software.

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64. (currently amended) A computer system for installing <u>software</u>, <u>verifying</u> <u>installation of software</u> and executing software in a computer, wherein the computer system comprises:

means for receiving encoded software and an execution control program; means for sending providing user data that identifies the computer or a user of the computer to a verification server,

means for comparing the user data to information stored in a database to verify the user data and, if the user data is verified, for providing decoding information and starting information to the computer, wherein the decoding information allows encoded software to be decoded and installed in the computer, and the starting information allows the installed decoded software to execute in the computer;

means for receiving from the verification server decoding information and starting information in response to the verification server-verifying the user data; and

means for decoding the encoded software in response to the decoding information to obtain decoded software and installing the decoded software;

means for starting execution of the installed decoded software using the starting information, wherein the installed decoded software will not execute without the starting information;

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means for sending-providing the user data or session data that identifies the computer or the user of the computer to the verification server one or more times during the execution of the installed decoded software:-and

means for comparing the user data or the session data to information stored in the database to verify the user data or the session data during the execution of the installed decoded software; and

means for ending the execution of the installed decoded software in response to the verification server failing to verify the user data or the session data during the execution installed software.

72. (currently amended) The method of claim 71 computer system of claim 64 that comprises:

means for determining a reporting period according to a load condition of a verification server; and

means for instructing the computer to send the user data or the session data to the verification server in each reporting period during the execution of the installed decoded software.

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### REASONS FOR ALLOWANCE

13. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, executing the execution control program to provide user data that identifies the computer or a user of the computer to a verification server, the verification server comparing the user data to information stored in a database to verify the user data and, if the user data is verified, providing decoding information and starting information to the computer, wherein the decoding information allows encoded software to be decoded and installed in the computer, and the starting information allows the installed decoded software to execute in the computer; executing the execution control program to decode the encoded software in response to the decoding information to obtain decoded software and installing the decoded software; starting execution of the installed decoded software using the starting information, wherein the installed decoded software will not execute without the starting information; providing the user data or session data that identifies the computer or the user of the computer to the verification server one or more times during the execution of the installed decoded software; the verification server comparing the user data or the session data to information stored in the database to verify the user data or the session data during the execution of the installed decoded software; and ending the execution of the installed decoded software in response to the verification server failing to verify the user data or the session data during the execution installed software as recited in independent claims 37, 46, 55, and 64,

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The closest cited prior art, the combination of Chang et al., (USPN 5,724,425), and O'Neill, (USPN 6,832,373), teaches a method for installing software, verifying installation of software, and executing software in a computer. However, the combination of Chang et al. and O'Neill, fails to teaches executing the execution control program to provide user data that identifies the computer or a user of the computer to a verification server, the verification server comparing the user data to information stored in a database to verify the user data and, if the user data is verified, providing decoding information and starting information to the computer, wherein the decoding information allows encoded software to be decoded and installed in the computer, and the starting information allows the installed decoded software to execute in the computer; executing the execution control program to decode the encoded software in response to the decoding information to obtain decoded software and installing the decoded software: starting execution of the installed decoded software using the starting information. wherein the installed decoded software will not execute without the starting information; providing the user data or session data that identifies the computer or the user of the computer to the verification server one or more times during the execution of the installed decoded software; the verification server comparing the user data or the session data to information stored in the database to verify the user data or the session data during the execution of the installed decoded software; and ending the execution of the installed decoded software in response to the verification server failing to verify the user data or the session data during the execution installed software as recited in

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independent claims 37, 46, 55, and 64, also as pointed out in Applicant's Remarks, pages 17-18.

These claimed limitations are not present in the prior art of record and would not have been obvious, thus all pending claims 37-41, 45-50, 54-59, 63-68, and 72 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Deng whose telephone number is 571-272-5989. The examiner can normally be reached on Mondays to Fridays 9:30 - 6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Anna Deng/

Examiner, Art Unit 2191

8/21/2008

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191